WP(C) 6450/2006
BEFORE
THE HON'BLE MR JUSTICE B K SHARMA

Heard Mr. M.U. Mahmud, learned counsel for the petitioner as well as Mr. A.C. Baruah, learned Addl. Advocate General, Assam. I have also heard Ms. M. Bordoloi, learned S.C., BTC.

The petitioners numbering 5 have filed this writ petition making a grievance against the decision as contained in the WT message dated 05.12.06 (Annexure-13) issued by the Director of Food and Civil Supplies the authorities in the District of Kokrajhar. The issue relates to distribution of PDS items to the consumers of 35 villages within 28 Gosaigaon LAC. There is no dispute that said 35 villages are not within the BTC area. However, the inhabitants of the said villages used to receive PDS items through the Deputy Commissioner, Kokrajhar. However, after the demarcation of the BTC area, the said 35 villages having been excluded from the BTC area and now being within the District of Dhubri, the petitioners have contended that the PDS items should be distributed through the agency under the Deputy Commissioner, Dhubri. Thus, the basic grievance of the petitioners is that since 35 villages in question are now within the District of Dhubri and outside the BTC area, the decision of the respondents to continue the distribution of PDS and S.K. oil in respect of those 35 villages through the agencies under the Deputy Commissioner, Kokrajhar is illegal and that such distribution should be made through the agencies under the control of the Deputy Commissioner, Dhubri.

Two separate affidavits have been filed, one by the respondent No. 2, i.e. the Joint Director, Food and Civil Supplies, Assam. The other affidavit filed is on behalf of the respondents No. 4 and 5. The affidavit filed by the Joint Director, Food and Civil Supplies reveals that the factum of 35 villages of the erstwhile Kokrajhar District under 28 Gosaigaon LAC presently being outside the BTC area and now falling under the Dhubri District is not disputed. However, referring to the meeting held on 20.11.06 between the BTC and Non-BTC officials and the threadbare discussion in the meeting it is the case of the respondents that the earlier system of distribution of PDS and S.K. oil is being continued till such time the other administrative departments and subjects are transferred to Dhubri District. Thus in the affidavit filed by the Joint Director, it is the stand of the respondents that the arrangement is only temporary and till such time the administrative department and subjects are transferred to Dhubri District.

In the affidavit filed by the respondents No. 4 and 5 it has been indicated that the impugned decision has been taken pursuant to the demand made by 988 villagers of the aforesaid 35 villages for maintaining the distribution of PDS and S.K. oil through the earlier prevalent system and not through the agencies under the control of the Deputy Commissioner, Dhubri. In this connection, the respondents have referred to the representation made by the villagers and the minutes of the public meeting held on 22.10.06. In the said meeting the resolution for continuing the prevalent system of distribution of PDS item and S.K. oil through the agencies of the Deputy Commissioner, Kokrajhar as was prevalent earlier was adopted.

Ms. M. Bordoloi, learned S.C., BTC referring to the aforesaid minutes held on 22.10.06, has submitted that in fact, out of the five petitioners, the petitioners No. 2, 4 and 5 were the participants in the public meeting and their signatures could be seen at serial No. 981, 8, 39 respectively in the minutes of the meeting copies of which has been annexed as Annexure A to the counter affidavit. On perusal of the minutes, it appears that the resolutions were adopted in the meeting unanonymously. As per the said resolution, it was decided in the public meeting that the distribution of PDS and S.K. oil should continue through the agencies under the control of the Deputy Commissioner, Kokrajhar as was prevalent before bifurcation of the 35 villages from the BTC area.

The aforesaid factum of participants of the petitioners No. 2, 4 and 5 has not been disclosed in the writ petition. Further it appears that the policy decision has been taken by the Govt. as per the demand made by the villagers as per its resolution adopted in the aforesaid meeting. Such policy decision unless shown to be arbitrary and undreasonable cannot be interfered with exercising the power of judicial review under Article 226 of the Constitution of India. As against the five writ petitioners, the aforesaid public meeting was attended by as many as 988 villagers out of which even the petitioners No. 2, 4 and 5 were also participants.

Apart from the above, as per the stand of the respondent No. 2 in his affidavit, the arrangement in question is only temporary and will be subject to further review upon transfer of the administrative departments and subjects from the erstwhile BTC area to Dhubri.

In view of the above, I am of the considered opinion that no interference is called for to the impugned decision. Accordingly the writ petition stands dismissed.